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Munenori Oizumi

TI-34626

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7590

09/11/2009

TEXAS INSTRUMENTS INCORPORATED

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EXAMINER

ROSARIO, DENNIS

ART UNIT

PAPER NUMBER

2624

NOTIFICATION DATE

DELIVERY MODE

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| 10633159 | 8/1/2003 | OIZUMI ET AL. | TI-34626 |

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EXAMINER

DENNIS ROSARIO

| ART UNIT | PAPER |
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Commissioner for Patents

In response to the Order Remanding Appeal to Examiner, dated July 20, 2009, the examiner has analyzed claims 1-5 for subject matter eligibility under 35 U.S.C. 101. It is recognized that a process claim must pass the machine-or-transformation test for eligibility (a eligible claim may pass either prong: tied to a particular machine, or transform a particular article). The examiner has determined that claim 1 (and 2-5 by dependency) inherently require implementation by a particular machine based on the following considerations: Given the broadest reasonable interpretation of the claim in light of the specification, the computing, filtering and interpolating steps are not "manual" and/or "mental" steps. The specification discloses implementation by a particular machine absent a mental/manual embodiment, equivalent image processing in the prior art are machine implemented and do not involve manual/mental steps, the claim language "computing" and "filtering" are indicative of machine implementation. Given the state of the relevant art and applicant's own corresponding disclosure, it would not be reasonable to conclude that the claimed steps are manually or mentally performed, or somehow performed without a particular machine (e.g., dedicated hardware circuitry or a programmed processor). Likewise, the claims transform an "image" by "filtering" and "interpolation" into a different state, having a new or different use or function. Therefore, the examiner concludes that the claims in question pass the machine-or-transformation test, and are eligible under 35 U.S.C. 101.

/Bhavesh M Mehta/
Supervisory Patent Examiner, Art Unit 2624